

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT LAWWILL,)	CASE NO. 1:08 CV 2840
)	
Petitioner,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
)	Magistrate Judge Nancy A. Vecchiarelli
)	
SAM TAMBI,)	<u>ORDER</u>
)	
Respondent.)	

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith, the Court hereby ADOPTS IN PART and MODIFIES IN PART the Report and Recommendation of Magistrate Judge Vecchiarelli (Docket #9.). The Court agrees with the Magistrate Judge that a stay and abeyance was appropriate. However, now that the decision of the Ohio Supreme Court has been journalized, Petitioner may proceed with his Petition. The stay and abeyance is hereby lifted.

Respondent is directed to file a Return of Writ addressing the merits of the Petition, as well as providing copies of all Ohio Supreme Court documents pertinent to Ground Three.

The matter remains referred to Magistrate Judge Vecchiarelli for Report and Recommendation.

IT IS SO ORDERED.

/s/Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: August 13, 2009